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4 DEAUDRY EUGENE CARR,
5 Plaintiff,
6 v.
7 FEDERAL PROTECTIVE SERVICES, et
8 al.,
9 Defendants.

10 Case No. 24-cv-00426-EMC
11

ORDER CLOSING CASE

Docket No. 29, 38, 39, 42

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14 The Court notifies all Parties that this case is CLOSED.
15 Plaintiff filed their Complaint on January 1, 2024 against Defendants Federal Protective
16 Services (“FPS”) and San Francisco County Sheriffs Department (“SF Sheriffs’ Dept.”). Docket
17 No. 1.
18 The SF Sheriffs’ Dept. filed a motion to dismiss. Docket No. 26. The Court granted in
19 part SF Sheriffs’ Dept.’s motion to dismiss and granted Plaintiff leave to file an amended
20 complaint by August 19, 2024. Docket No. 35. Plaintiff then filed the equivalent of a motion for
21 extension of time on August 5, 2024. Docket No. 36. The Court granted Plaintiff a further
22 extension to September 9, 2024. *See* Docket No. 35. Plaintiff was warned that “should Plaintiff
23 fail to file an amended complaint by September 9, 2024, Plaintiff is forewarned that Plaintiff’s
24 remaining claims against the Sheriff’s Department will be dismissed with prejudice.” *Id.*
25 As of September 11, 2024, Plaintiff has failed to file an amended complaint as to the SF
26 Sheriff’s Department, and accordingly, Plaintiffs claims are **dismissed with prejudice** as to the
27 SF Sheriff’s Department.
28 As to Defendant FPS, Defendant filed a motion to dismiss. Docket No. 29. Plaintiff failed

1 to file an opposition which was due on July 16, 2024. The Court issued an order to show cause as
2 to why Plaintiff failed to respond to Defendant FPS's motion to dismiss, with a deadline to
3 respond of August 14, 2024. Docket No. 33.

4 Plaintiff then filed the equivalent of a motion for extension of time on August 5, 2024.
5 Docket No. 36. The Court granted Plaintiff an additional extension to September 9, 2024 to file a
6 response to the order to show cause for failure to file a timely opposition to the Federal Protective
7 Service's (FPS) motion to dismiss. Docket No. 39. Plaintiff was told that their "response shall
8 address the reason why Plaintiff failed to timely file his opposition and shall also respond
9 substantively to the motion to dismiss." Docket No. 39. Further, Plaintiff was forewarned that, "if
10 he does not timely respond to the order to show cause, as well as simultaneously file a response to
11 FPS's motion to dismiss, then the Court shall automatically direct the Clerk of the Court to
12 dismiss his case with prejudice and close the file in his case." *Id.*

13 On September 6, 2024, Plaintiff filed a response to the Order to Show Cause stating he did
14 not have access to his email and requested additional time to respond. Docket No. 42. However,
15 Plaintiff failed to concurrently file an opposition. As the Court has already given Plaintiff
16 multiple extensions to file an opposition to Defendant FPS's motion to dismiss that was originally
17 due on July 16, 2024, the Court declines to grant an additional extension.

18 Accordingly, Plaintiff's claims against Defendant FPS are **dismissed with prejudice** for
19 failure to prosecute. Fed. R. Civ. P. 41.

20 The case is CLOSED. All upcoming hearings will be removed from the calendar.
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22 **IT IS SO ORDERED.**
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24 Dated: September 11, 2024
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27 EDWARD M. CHEN
28 United States District Judge